

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AUGME TECHNOLOGIES, INC.,

Case No. C09-05386 JCS

Plaintiff(s),

v.

YAHOO!, INC.,

Defendant(s).

**ORDER DENYING WITHOUT  
PREJUDICE DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT [Docket  
No. 68] and GRANTING IN PART  
DEFENDANT'S MOTION TO EXTEND  
CASE MANAGEMENT SCHEDULE  
[Docket No. 70]**

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment, filed on November 12, 2010, is DENIED without prejudice. Defendant can re-file their Motion for Summary Judgment based on Divided Infringement after the Court issues its ruling following the Claim Construction Hearing.

IT IS HEREBY FURTHER ORDERED that Defendant's Motion to Extend Case Management Scheduled is GRANTED in part as follows:

1. Plaintiff may serve Amended Infringement Contentions, pursuant to Patent L.R. 3-1, by **December 15, 2010.**

2. Defendant may serve Amended Invalidity Contentions, pursuant to Patent L.R. 3-3, is by **January 15, 2011.**

3. Exchange of (revised) Preliminary Claim Construction and Extrinsic Evidence pursuant to Patent L.R. 4-2(a) shall be due by **January 31, 2011.**

4. The Joint Claim Construction and Pre-Hearing Statement pursuant to Patent L.R. 4-3 shall be due by **March 4, 2011.**

5. Claim Construction Discovery completed by **March 14, 2011.**

6. Opening Claim Construction Brief by Plaintiff pursuant to Patent L.R. 4-5(a) shall be due by **April 11, 2011.**

1 7. Responding Claim Construction Brief by Plaintiff pursuant to Patent L.R. 4-5(b) shall be  
2 due by **May 16, 2011.**

3 8. Reply Claim Construction Brief by Plaintiff pursuant to Patent L.R. 4-5(c) shall be due by  
4 **May 31, 2011.**

5 9. The Claim Construction hearing currently set for March 11, 2011, at 1:30 p.m., is  
6 VACATED, and a new date will be set by the Court.

7 10. The further case management conference set for March 11, 2011, at 1:30 p.m., remains  
8 on calendar. An updated joint case management conference statement shall be due by **March 4,**  
9 **2011.**

10 IT IS SO ORDERED.

11  
12 Dated: December 3, 2010

13  
14   
15 \_\_\_\_\_  
16 JOSEPH C. SPERO  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28